

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CRIMINAL APPLICATION No 642 of 1996

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the Judgment ?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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YUSUF GULAB MANSURI

VERSUS

MOHAMMAD YUNUS BAKERALI VAJIFDAR

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Appearance:

MR MM TIRMIZI for the Petitioner

MR MM SHAIKH for MR SK BUKHARI for Respondent

No.1

MR ND GOHEL, APP for Respondent No.2

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CORAM : MR JUSTICE S.K. KESHOTE

Date of decision: 24/06/99

C.A.V. JUDGMENT

Heard the learned counsel for the parties.

2. In connection with the criminal case, the truck bearing No. GTY 5547 was seized by the police taking it to be the muddamal. On application filed by the petitioners, the temporary custody of the truck was ordered to be given to them on condition of furnishing bond of Rs.2 lacs. The respondent No.1 against this order filed the criminal revision application, which came to be allowed on 18th May, 1996 by the Additional Sessions Judge, Surat. Hence, this special criminal application before this Court.

3. On 3-6-1996, this special criminal application has come up before the Court for preliminary hearing on which date, this special criminal application was admitted and interim relief in terms of para-10(C) has been granted which continues till this date. It is not in dispute that the vehicle-muddamal continues to be in the possession of the petitioners. The criminal case is for the offences under section 420, 506 of I.P.C. The criminal case is of the year 1995. So the interest of justice will be served in case this special criminal application is disposed of in terms that the interim custody which has been given of the truck-muddamal to the petitioners shall continue with them till the decision of the criminal case. Learned trial court is directed to decide finally the criminal case within a period of six months from the date of receipt of writ of this order. Subject to these directions, this special criminal application and Rule therein stand disposed of accordingly.

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zgs/-